



U.S. Department of Justice

Criminal Division

Public Integrity Section

Washington, D.C. 20530

March 6, 2019

North Carolina State Board of Elections  
Via Hand Delivery

**RE: Grand Jury Subpoena**

You have been served with a subpoena issued in connection with a criminal investigation being conducted in the Eastern District of North Carolina. That subpoena directs you to produce certain records on April 16-18, 2019, before the grand jury in the Eastern District of North Carolina.

As a convenience, you may, if you wish, deliver the requested documents in lieu of appearing personally before the grand jury to Special Agent [REDACTED] via electronic mail at [REDACTED]@fbi.gov or via U.S. mail at 110 Pinedale Springs Way, Cary, North Carolina 27511. Any questions pertaining to the records under the subpoena should be directed to Special Agent [REDACTED] at (704) 942-[REDACTED].

You are also requested to complete the attached Business Record Affidavit pursuant to Rule 902(11) of the Federal Rules of Evidence. By submitting this affidavit with the requested documents, you may avoid the need to appear at trial to testify to the authenticity of these records.

We appreciate your cooperation in this matter. If you have any questions, please feel free to contact us at (202) 514-1412.

Sincerely,

/s/

James C. Mann  
Michael N. Lang  
Trial Attorneys  
Public Integrity Section  
United States Department of Justice  
Office: (202) 514-1412  
Email: [James.Mann@usdoj.gov](mailto:James.Mann@usdoj.gov)  
[Michael.Lang@usdoj.gov](mailto:Michael.Lang@usdoj.gov)

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of North Carolina

**SUBPOENA TO TESTIFY BEFORE A GRAND JURY**

To: North Carolina State Board of Elections

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

<b>Place:</b> United States District Court, EDNC Terry Sanford Federal Building 310 New Bern Avenue, Raleigh, North Carolina 27601	<b>Date and Time:</b> April 16-18, 2019 @ 9:00am
--	---

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

- See Attachment -

Date: March 6, 2019

*CLERK OF COURT*

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

James C. Mann  
U.S. Department of Justice  
1400 New York Avenue NW  
Washington, DC 20005  
(202) 305-4763

USAO # 2017R00198(18)

### PROOF OF SERVICE

This subpoena for *(name of individual or organization)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the subpoena on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the subpoena at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the subpoena on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process in behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## **ATTACHMENT A**

To: North Carolina State Board of Elections

### **Documents To Be Produced**

All documents related to the investigation of election irregularities affecting counties within the 9<sup>th</sup> Congressional District.

### **Instructions**

1. You are required to produce each and every document, responsive to the category listed above, that is in your possession, custody, or control. Unless a specification limits the time period, the subpoena requires the production of all documents regardless of date.
2. You shall produce each and every document that exists in electronic form electronically with all metadata preserved.
3. All documents that respond, in whole or in part, to the category listed above shall be produced in their entirety, including all attachments, enclosures, cover letters or memoranda, and post-it notes.
4. If you know of documents that are or would be responsive to any of the categories listed above that you are not producing because you are unable to find them, they have been destroyed, they are no longer in your possession, custody, or control, or for any other reason, please list all such documents and provide for each a complete statement of the reason why you are unable to produce them, your efforts to find or obtain copies, the identity of each and every person who has or may have copies or has or may have any memory of the contents, and your best memory or other knowledge of the contents.
5. If a document demanded by this subpoena is withheld under a claim of privilege, or is otherwise withheld, provide the following information regarding the document: (1) its date; (2) the name and title of its author(s); (3) the name and title of each person to whom it was addressed, distributed, and disclosed; (4) the number of pages; (5) an identification of any attachments or appendices; (6) a general description of its subject matter; (7) its present location and the name of its present custodian; (8) the paragraph of this subpoena to which it is responsive; and (9) the nature of the claimed privilege or other reason the document is withheld.

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA

IN RE:

Grand Jury Subpoena  
2017R00198 (20)

)  
)  
)  
)  
)

**BUSINESS RECORD AFFIDAVIT**  
**FED. R. EVID 902(11)**

I am personally acquainted with the facts stated herein and make this statement under penalty of perjury.

I am the custodian of records for \_\_\_\_\_ herein after referred to as "Company"). The documents made by the Company and produced in compliance with the subpoena duces tecum (consisting of \_\_\_ pages attached hereto) are memoranda, reports, records or data compilations of acts, events, conditions, opinions or diagnoses that were made at or near the time, by or from information transmitted by a person with knowledge and that have been kept in the course of the Company's regularly conducted business activity. It has been the Company's regular practice in that business activity to make those memoranda, reports, records or data compilations. Neither the source of information, nor the method or circumstances of preparation, indicate a lack of trustworthiness for those memoranda, reports, records or data compilations.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me  
this the \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**UNLESS OTHERWISE REQUESTED, ALL FINANCIAL RECORD REQUESTS  
SHOULD BE DELIVERED IN ELECTRONIC FORMAT**

**IN LIEU OF PERSONAL APPEARANCE BEFORE THE GRAND JURY TO DELIVER THE DOCUMENTS, YOU MAY COMPLY WITH THE TERMS OF THE GRAND JURY SUBPOENA BY THE FOLLOWING SHIPPING PROCEDURES:**

1. Mail Electronic Media: Electronic media (DVDs, CDs, flash drives, etc.) may be physically mailed to the address identified on the subpoena. The mailed media must be packaged securely by sending either 1) by a dedicated courier such as FedEx, UPS, etc., or 2) standard U.S. Postal mail. All media mailed using these methods must be shipped using a dual-container configuration. This means media must be packaged in two nested, or double wrapped, containers; e.g., an inner envelope packed within an outer shipping envelope. The recipient's name and "To be Opened by Addressee Only" should be clearly annotated on the inner envelope. When using these mailing methods, the electronic media itself does not need to be encrypted.

2. Please provide the records to:

Special Agent J [REDACTED]  
110 Pinedale Springs Way  
Cary, NC 27511  
Telephone Number: (704) 942-[REDACTED]  
Email: [REDACTED]@fbi.gov